

109TH CONGRESS  
1ST SESSION

# H. R. 803

To require entering students who will reside in on-campus housing at postsecondary institutions to have received meningococcal vaccinations.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2005

Mr. ANDREWS (for himself and Mr. PLATTS) introduced the following bill;  
which was referred to the Committee on Education and the Workforce

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## A BILL

To require entering students who will reside in on-campus housing at postsecondary institutions to have received meningococcal vaccinations.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Meningococcal Vac-  
5       cination Act of 2005”.

6       **SEC. 2. VACCINATION REQUIREMENTS.**

7       Part G of title IV of the Higher Education Act of  
8       1965 is amended by inserting after section 485C (20  
9       U.S.C. 1092c) the following new section:

1 **“SEC. 485D. VACCINATION REQUIREMENTS.**

2 “(a) DEFINITIONS.—As used in this section:

3 “(1) The term ‘enrolled’ means having reg-  
4 istered for a credit or noncredit course.

5 “(2) The term ‘postsecondary institution’  
6 means a school of post-secondary education that  
7 generally limits enrollment to graduates of secondary  
8 schools and awards degrees at the associate, bacca-  
9 laurate, or graduate level.

10 “(3) The term ‘meningococcal vaccination’  
11 means receipt of the vaccine protecting against at  
12 least the four serogroups of A, C, Y, and W-135 of  
13 meningococcal disease within the 3 years preceding  
14 the date on which the individual moves into on-cam-  
15 pus student housing.

16 “(4) The term ‘on-campus student housing’  
17 means housing provided to individuals, regardless of  
18 the fee, that is owned, rented, or contracted for and  
19 operated by a postsecondary institution, or through  
20 written agreement, with an agent of the postsec-  
21 ondary institution.

22 “(b) REQUIRED MENINGOCOCCAL VACCINATION.—  
23 Except as provided in subsection (c), an individual en-  
24 rolled in a postsecondary institution living in on-campus  
25 student housing shall—

26 “(1) obtain a meningococcal vaccination; and

1           “(2) submit written documentation to the post-  
2           secondary institution from a health care professional  
3           or clinic of receipt of a meningococcal vaccination.

4           “(c) NOTIFICATION OF REQUIRED MENINGOCOCCAL  
5 VACCINATION.—A postsecondary institution shall—

6           “(1) inform an individual or the parent or  
7           guardian of an individual younger than 18 years old  
8           of the requirement for meningococcal vaccination at  
9           the time the individual—

10           “(A) is accepted for admission to a post-  
11           secondary institution; or

12           “(B) registers for classes, if the individual  
13           is not required to apply for admission before  
14           registering for courses;

15           “(2) include notice of the requirement for  
16           meningococcal vaccination in—

17           “(A) admission acceptance information;

18           “(B) student health-related information  
19           and materials;

20           “(C) resident life information and mate-  
21           rials;

22           “(D) the student handbook; and

23           “(E) the college catalog; and

24           “(3) provide detailed information to an indi-  
25           vidual who resides or may reside in on-campus stu-

1 dent housing or the parent or guardian of an indi-  
2 vidual younger than 18 years old who resides or may  
3 reside in on-campus student housing concerning—

4 “(A) the risks associated with  
5 meningococcal disease; and

6 “(B) the availability and effectiveness of  
7 meningococcal vaccine.

8 “(d) EXEMPTION FROM MENINGOCOCCAL VACCINA-  
9 TION REQUIREMENT.—

10 “(1) ADULTS.—An individual 18 years old or  
11 older is exempt from the meningococcal vaccination  
12 requirement under section 3 if the individual pre-  
13 sents to the postsecondary institution a signed writ-  
14 ten waiver in the form required by section 6 stating  
15 that the individual has—

16 “(A) received and reviewed the information  
17 specified in section 4; and

18 “(B) chosen not to obtain the  
19 meningococcal vaccination.

20 “(2) MINORS.—An individual younger than 18  
21 years old is exempt from the meningococcal vaccina-  
22 tion requirement under section 3 if a signed written  
23 waiver in the form required by section 6 is presented  
24 to the postsecondary institution on behalf of the in-

1       dividual stating that a parent or guardian of the in-  
2       dividual has—

3               “(A) received and reviewed the information  
4               specified in section 4; and

5               “(B) chosen not to have the individual ob-  
6               tain the meningococcal vaccination.

7       “(e) WAIVER FORM.—

8               “(1) ADULTS.—A waiver form for an individual  
9       18 years old or older shall—

10              “(A) state that the individual—

11                      “(i) is 18 years old or older;

12                      “(ii) has received and reviewed the in-  
13                      formation provided by the postsecondary  
14                      institution on the risk of meningococcal  
15                      disease and the availability and effective-  
16                      ness of meningococcal vaccine; and

17                      “(iii) chooses to waive the receipt of  
18                      meningococcal vaccine; and

19              “(B) provide spaces for the—

20                      “(i) printed name of the individual;

21                      “(ii) signature of the individual; and

22                      “(iii) date.

23              “(2) MINORS.—A waiver form for an individual  
24       younger than 18 years old shall—

25              “(A) state that—

1 “(i) the individual is younger than 18  
2 years old;

3 “(ii) the parent or guardian of the in-  
4 dividual has received and reviewed the in-  
5 formation provided by the postsecondary  
6 institution on the risk of meningococcal  
7 disease and the availability and effective-  
8 ness of meningococcal vaccine; and

9 “(iii) the parent or guardian of the in-  
10 dividual chooses to waive the receipt of  
11 meningococcal vaccine for the individual;  
12 and

13 “(B) provide spaces for the—

14 “(i) printed name of the individual;

15 “(ii) printed name of the parent or  
16 guardian;

17 “(iii) signature of the parent or  
18 guardian; and

19 “(iv) date.

20 “(f) PAYMENT FOR INNOCULATION.—Nothing in this  
21 section shall be construed to require a postsecondary insti-  
22 tution or a local public health agency to provide or pay  
23 for a meningococcal vaccination.

24 “(g) PENALTY FOR FAILURE BY INSTITUTION TO  
25 COMPLY.—The Secretary may, after notice and oppor-

1 tunity for a hearing, reduce by not more than 10 percent  
2 the amount of administrative expense funds available for  
3 a fiscal year to an institution under section 489 if the Sec-  
4 retary determines that such institution has failed to com-  
5 ply with the requirements of subsection (c).”.

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